

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

IVAN SAGDAI,

Plaintiff,

v.

TRAVELERS HOME AND MARINE
INSURANCE COMPANY,

Defendant.

CASE NO. 21-00182-LK

SUPPLEMENTAL ORDER
REGARDING MOTION TO
COMPEL AND RULE 35
EXAMINATION

On January 19, 2022, the Court granted defendant Travelers Home and Marine Insurance Company's ("Travelers") motion to compel discovery, Dkt. No. 17, granted Travelers' request to compel Plaintiff to submit to an independent medical examination ("IME"), and ordered the parties to confer and submit a proposed order containing the necessary specifications required by Federal Rule of Civil Procedure 35(a)(2)(B). Dkt. No. 28 at 6. Following that Order, Travelers submitted a proposed order setting forth the details of the examination. Although the proposed order is not presented as a stipulation, it reflects that the parties conferred and apparently came to an agreement regarding the details of the examination. Therefore, the Court orders as follows:

I. IDENTITY OF EXAMINER

The exam shall be by Dr. James Blue, (hereafter referred to as “examiner”).

Defense counsel shall provide a copy of the examiner’s curriculum vitae to Plaintiff’s counsel by February 11, 2022.

II. EXAMINATION OF PLAINTIFF

The examination shall take place at 1401 E. Jefferson St., Suite 500, Seattle, WA 98122.

The exam shall take place on February 25, 2022 at 12:00 pm.

Travelers will advise Plaintiff of the estimated length of the examination at least five days prior to the examination.

The court has determined that the scope of the examination shall be limited to an examination to evaluate the reasonableness of Plaintiff’s past medical treatment, the causation of his medical conditions, the scope of his injuries, his prognosis, and necessity of future medical treatment. Dkt. No. 28 at 6.

Plaintiff may have a representative present at the examination at no additional charge. Plaintiff or his representative may make an audiotape or videotape recording of the examination at no additional charge.

The exam by the examiner shall be limited to inquiry in the field of expertise of examiner. The examiner shall not conduct an inquiry or examination in fields outside his or her expertise (*i.e.*, psychiatric, vocational, etc.).

Examiner shall not administer psychiatric or psychological tests, nor conduct invasive tests, without written permission of the Court.

Defendant stipulates that there shall be no other CR 35 exam in this case.

In the event that any problems arise during the exam, the examiner shall contact the attorneys for Plaintiff and Defendant in an effort to promptly resolve any problems. The

1 Proposed Order provides the following contact information: Plaintiff's counsel Gavin Flynn's
2 cell phone number is (360) 624-4267 and his office number is (360) 260-5486. Defense
3 Counsel's contact number is (206) 467-6444.

4 **III. EXAMINER'S REPORT**

5 Defense counsel shall deliver a copy of a detailed written report of the examiner setting
6 out the examiner's findings, including results of all tests made, diagnosis and conclusions,
7 regardless of whether the examiner will be called to testify at trial.

8 Examiner's report shall be delivered to Plaintiff's counsel within 45 days of the
9 examination.

10 **IV. COVID PRECAUTIONS**

11 The parties have stated in the Proposed Order that they are mindful of the need to take
12 necessary steps precautions in light of the COVID-19 pandemic so as to limit possible harmful
13 exposure as much as possible without interfering with the examination. The parties agree that the
14 examination should abide by all COVID protocols required of any other medical examination as
15 set forth in the State of Washington. If the examiner has additional COVID-19 protocols, those
16 shall be provided at least five days ahead of the exam.

17 **V. EXAMINER'S AGREEMENT TO TERMS OF THE EXAMINATION**

18 Defense counsel shall advise examiner of the above conditions for the examination of
19 plaintiff's body, make sure examiner agrees to all conditions, and provide examiner with a copy
20 of this Court's Orders regarding the examination of plaintiff's body.

21 The Clerk is directed to send uncertified copies of this Order to all counsel of record and
22 to any party appearing pro se at said party's last known address.

23 Dated this 28th day of January, 2022.
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Lauren King
United States District Judge

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